

REMARKS/ARGUMENTS

This application has been reviewed in light of the final Office Action mailed on December 23, 2009. Claims 15, 18, 19, 30, 33-36, and 41 are pending in the application with Claims 15 and 30 being in independent form. Claims 15 and 30 have been amended herein. Claims 20, 23-25, 28, 29, and 37-40 were previously withdrawn and cancelled herein. Applicants reserve the right to file one or more divisional applications directed to the previously withdrawn and now cancelled claims.

The Examiner rejected Claims 15, 18, 19, 30, 33, 34, and 35 under 35 U.S.C. 103(a) as being unpatentable over Cho (WO 00/13426) in view of Korpela et al. (U.S. Patent No. 6,167,283). Applicants respectfully traverse the rejection.

Claim 15, recites, *inter alia*, as follows:

“...wherein **the bit rate of the random access channel status message is variable in accordance with channel capacity** in order to enable each secondary station to determine which random access channel to request...” (emphasis added)

At page 4 of the present final Office Action, the Examiner stated that Cho does not disclose “an indicated highest available data rate on each random access channel of a plurality of random access channels.” The Examiner relied on Korpela to cure the deficiencies of Cho. However, Korpela does not teach and/or suggest the features of the present claims.

Korpela discloses a cellular radio system having base stations that offer various service levels and transmit control messages indicating said service levels. Terminals store information about previous connections and, based on that information or on their own capability, produce a prediction on the service level required by the next connection. A terminal selects a cell such that the service level in the cell matches the terminal’s prediction on the

service level required. (Abstract) Additionally, Korpela relates to optimization of cell selection and states that the communication system anticipates the next connection on the basis of compiled statistical data and/or characteristics of the terminal (column 3, lines 33-36).

In contrast, in the present disclosure, the determination of the next channel to connect to is based on a specific request made by the secondary station. The authorization of the specific request depends on the flexibility of the base station to assign bit rates to channels only when they are requested by the secondary stations (e.g., mobile stations). In other words, the bit rates are not pre-assigned bit rates, but are assigned only when requested upon. Thus, the bit rates are variable bit rates. For example, the bit rate may vary even if channel capacity is available, if such channel capacity is required for other purposes. Support for such features are found at least at page 8, lines 16-21 of the present disclosure. Korpela does not assign bit rates upon request (as presently recited in the claims), but instead anticipates assignments based on statistical data accumulated by the base station.

Therefore, the applied combination of Cho and Korpela does not teach and/or suggest the language recited in Claim 15.

Independent Claim 30 includes the same or similar limitations to those of Claim 15, and is allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 15.

Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 15 and 30 and allowance thereof are respectfully requested.

Dependent Claims 18, 19, 33, 34, and 35, are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 15 and 30. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to

dependent Claims 18, 19, 33, 34, and 35, and allowance thereof are respectfully requested.

The Examiner rejected Claims 36 and 41 under 35 U.S.C. 103(a) as being unpatentable over Cho in view of Korpela and further in view of Persson et al. (U.S. Patent No. 6,028,851). Applicants respectfully traverse the rejection.

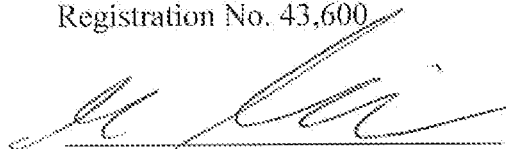
Dependent Claims 36 and 41 are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 15 and 30. Additionally, Persson et al. does not cure the deficiencies of Cho and Korpela with respect to independent Claims 15 and 30. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 36 and 41, and allowance thereof are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all Claims presently pending in the application, namely, Claims 15, 18, 19, 30, 33-36, and 41, are believed to be in condition for allowance.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

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